

TELEFAX COVER SHEET
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THIS MESSAGE HAS 7 PAGES INCLUDING THIS SHEET

TO: **Commissioner for Patents**

FAX NO.: 703-872-9314

FROM: Steven M. Hertzberg

DATE: 5/13/03

MATTER: Serial No. 09/201,530 Filed: 11/30/98

DOCKET NO.: DIVA/173

APPLICANT: Gordon et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/13/03, Facsimile No. 703-872-9314.

LAURA E. CRATER

Laura Bratton 5/13/03
Signature and date

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 508

Complete if Known

Application Number 09/201,530

Filing Date 11/30/98

First Named Inventor Gordon

Examiner Name Andrew Y. Koenig

Group / Art Unit 2611

Attorney Docket No. DIVA/173

Official

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 20-0782

Deposit Account Name DIVA Systems Corporation

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	375
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1)

(\$ 375

2. EXTRA CLAIM FEES

Total Claims 24	-20 **	= 4	Extra Claims 9	Fee from below	Fee Paid 38
Independent Claims 4	-3 **	= 1	X 42	= 42	
Multip/c Dependent			X 0	= 0	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid ** Reissue independent claims over original patent	
109 84	208 42	** Reissue claims in excess of 20 and over original patent	
110 18	210 9		

SUBTOTAL (2)

(\$ 78

** or number previously paid, if greater. For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65		Surcharge - late filing fee or oath	
127 50	227 25		Surcharge - late provisional filing fee or cover sheet	
139 130	139 130		Non-English specification	
147 2,520	147 2,520		For filing a request for reexamination	
112 920*	112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*		Requesting publication of SIR after Examiner action	
115 110	215 55		Extension for reply within first month	55
116 400	218 200		Extension for reply within second month	
117 920	217 460		Extension for reply within third month	
118 1,440	218 720		Extension for reply within fourth month	
128 1,960	228 990		Extension for reply within fifth month	
119 320	219 180		Notice of Appeal	
120 320	220 180		Filing a brief in support of an appeal	
121 280	221 140		Request for oral hearing	
138 1,510	138 1,510		Petition to institute a public use proceeding	
140 110	240 55		Petition to revive - unavoidable	
141 1,280	241 640		Petition to revive - unintentional	
142 1,280	242 840		Utility issue fee (or reissue)	
143 460	243 230		Design issue fee	
144 620	244 310		Plant issue fee	
122 130	122 130		Petitions to the Commissioner	
123 50	123 50		Processing fee under 37 CFR 1.17 (a)	
126 180	126 180		Submission of Information Disclosure Stmt	
581 40	581 40		Recording each patent assignment per property (times number of properties)	
146 740	246 370		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370		For each additional invention to be examined (37 CFR § 1.128(b))	
179 740	279 370		Request for Continued Examination (RCE)	
189 800	169 900		Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 55

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Steven M. Hertzberg	Registration No. Attorney/Agent)	41,834	Telephone	(732)530-9404
Signature	<i>Steve Hertzberg</i>				Date 5/13/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203a.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Official

5-13-03

Approved for use through 10/31/2002. OMB 0651-0032

PTO/SB/29 (10-00)

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL/EXTENSION REQUEST

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable
 DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR1.53(d))

Address to: Commissioner for Patents Mail Stop CPA P.O. Box 1450 Arlington, VA 22313-1450	Attorney Docket No. of Prior Application	DIVA/173
	First Named Inventor	Gordon et al.
	Examiner Name	Andrew Y. Koenig
	Group / Art Unit	2611
	TRANSMISSION.	VIA FACSIMILE

This is a request for a continuation or divisional application under 37 CFR1.53(d).(continued prosecution application (CPA)) of prior application number 09/201,530
filed on 11/30/98, entitled METHOD AND APPARATUS FOR PRODUCING DEMAND REAL-TIME TELEVISION

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(e).

WARNING: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on 4/9/03 under 37 CFR 1.116 in the prior nonprovisional application
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. **DELETE** the following Inventor(s) named in the prior nonprovisional application:

b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

05/22/2003 SMOORE 00000001 200782 09201530

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

01 FA:225 02 FC:2201 03 FC:2202 04.00 CH

03 FC:2202 36.00 CH

04 FC:2801 375.00 CH

PTO/SB/28 (10-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	24-20 =	4	x \$18	72.00
	INDEPENDENT CLAIMS (37 CFR 1.16(i) or (i))	4 - 3 =	1	x \$64	64.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$280	0.00
				BASIC FEE (37 CFR 1.16)	750.00
				Total of above Calculations =	906.00
					453.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	• <i>Rescue claims in excess of 20 and over original patent.</i> • <i>Rescue independent claims over original patent.</i>				TOTAL = 453.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No 20-0782:

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8. A check in the amount of \$ _____ is enclosed.

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).

11. New Attorney Docket Number, If desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

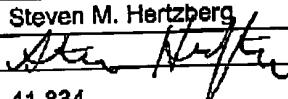
13. Other: *Applicants request a one (1) month extension. Please charge \$55 fee to Deposit Account 20-0782.*

12. NEW CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Labelor New correspondence address below

Name	MOSER, PATTERSON & SHERIDAN, LLP				
Address	595 Shrewsbury Avenue, Suite 100				
City	Shrewsbury	State	NJ	Zip Code	07702
Country	USA	Telephone	732-530-9404	Fax	732-530-9808

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Steven M. Hertzberg		
Signature			
Registration No. (Attorney/Agent)	41,834		
Date	5/13/03		

[Page 2 of 2]

PTO/SB/28A (08-00)

Approved for use through 10/31/2002. OMB 0551-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in item 1.

1. ADDRESS Applicant's Mailing Address for this receipt must be CLEARLY PRINTED or TYPED in the box below.

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702

NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) Verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

2. APPLICATION IDENTIFICATION:

(Provide at least enough information to identify the application)

a. For prior application

Application No: 09/201,530

Filing Date: 11/30/98

Title: METHOD AND APPARATUS FOR PRODUCING DEMAND REAL-TIME TELEVISION

Attorney Docket No: DIVA/173

First Named Inventor: Gordon

b. For instant CPA application

New Attorney Docket No: _____
(if applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

USPTO HANDLING INSTRUCTIONS

Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.

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